

EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2007-0817-MWD-E **TCEQ ID:** RN102343373 **CASE NO.:** 33551

RESPONDENT NAME: James Wayne Robinson

ORDER TYPE:		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input checked="" type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p>SITE WHERE VIOLATION(S) OCCURRED: Northwinds Plant, at the end of Northwinds Street approximately 1,590 feet south of Farm-to-Market Road 529, Harris County</p> <p>TYPE OF OPERATION: Wastewater treatment</p> <p>SMALL BUSINESS: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on October 22, 2007. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Mr. Thomas Jecha, Enforcement Division, Enforcement Team 3, MC 149; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171 Respondent: Mr. James Wayne Robinson, General Partner, 903 Port Houston Street, Houston, Texas 77029 Respondent's Attorney: Not represented by counsel on this enforcement matter</p>		

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input type="checkbox"/> Complaint <input type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input checked="" type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: May 2, 2007</p> <p>Date of NOV/NOE Relating to this Case: May 18, 2007 (NOE)</p> <p>Background Facts: This was a routine record review. One violation was documented.</p> <p>WATER</p> <p>Failed to comply with the permitted effluent limits [TEX. WATER CODE § 26.121(a), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0012830001, Effluent Limitations and Monitoring Requirements No. 1].</p>	<p>Total Assessed: \$4,410</p> <p>Total Deferred: \$882 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid to General Revenue: \$3,528</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Ordering Provisions:</p> <p>The Order will require the Respondent to, within 60 days after the effective date of this Agreed Order, achieve compliance with the permitted effluent limits contained in TPDES Permit No. WQ0012830001 and submit written certification of compliance. The certification shall include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance.</p>

Additional ID No(s): WQ0012830001



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision March 19, 2007

TCEQ
DATES

Assigned	21-May-2007		
PCW	23-May-2007	Screening	22-May-2007
		EPA Due	

RESPONDENT/FACILITY INFORMATION

Respondent	James Wayne Robinson		
Reg. Ent. Ref. No.	RN102343373		
Facility/Site Region	12-Houston	Major/Minor Source	Minor

CASE INFORMATION

Enf./Case ID No.	33551	No. of Violations	1
Docket No.	2007-0817-MWD-E	Order Type	1660
Media Program(s)	Water Quality	Enf. Coordinator	Thomas Jecha
Multi-Media		EC's Team	Enforcement Team 3
Admin. Penalty \$	Limit Minimum	\$0	Maximum
			\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) Subtotal 1

ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History Enhancement Subtotals 2, 3, & 7

Notes

Culpability Enhancement Subtotal 4

Notes

Good Faith Effort to Comply Reduction Subtotal 5

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	<input checked="" type="checkbox"/>	(mark with x)

Notes

Total EB Amounts Subtotal 6
Approx. Cost of Compliance *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 Final Subtotal

OTHER FACTORS AS JUSTICE MAY REQUIRE Adjustment

Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

Notes

Final Penalty Amount

STATUTORY LIMIT ADJUSTMENT Final Assessed Penalty

DEFERRAL Reduction Adjustment

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

PAYABLE PENALTY

Screening Date 22-May-2007

Docket No. 2007-0817-MWD-E

PCW

Respondent James Wayne Robinson

Policy Revision 2 (September 2002)

Case ID No. 33551

PCW Revision March 19, 2007

Reg. Ent. Reference No. RN102343373

Media [Statute] Water Quality

Enf. Coordinator Thomas Jecha

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	9	45%
	Other written NOVs	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 47%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for 9-NOVs with self-reported effluent data, and one NOV with dissimilar violations at this facility within the past five years.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 47%

Screening Date 22-May-2007

Docket No. 2007-0817-MWD-E

PCW

Respondent James Wayne Robinson

Policy Revision 2 (September 2002)

Case ID No. 33551

PCW Revision March 19, 2007

Reg. Ent. Reference No. RN102343373

Media [Statute] Water Quality

Enf. Coordinator Thomas Jecha

Violation Number 1

Rule Cite(s) Tex. Water Code § 26.121(a), 30 Tex. Admin. Code § 305.125(1), and TPDES Permit No. WQ0012830001, Final Effluent Limitations and Monitoring Requirements No. 1.

Violation Description Failed to comply with permitted effluent limitations as documented during a record review conducted on May 2, 2007. See attached table.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			X
Potential			

Percent 10%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

A simplified model was used to evaluate carbonaceous biochemical oxygen demand ("CBOD") and ammonia nitrogen ("NH3-N") to determine whether the discharged amounts of pollutants exceeded levels protective of human health or the environment. Daily average flow values were also considered. As a result of these discharges, human health or the environment has been exposed to insignificant amounts of pollutants.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 3

154 Number of violation days

mark only one with an x	daily	
	monthly	
	quarterly	X
	semiannual	
	annual	
	single event	

Violation Base Penalty \$3,000

Three quarterly events are recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$182

Violation Final Penalty Total \$4,410

This violation Final Assessed Penalty (adjusted for limits) \$4,410

Economic Benefit Worksheet

Respondent James Wayne Robinson
Case ID No. 33551
Reg. Ent. Reference No. RN102343373
Media Water Quality
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost <small>No commas or \$</small>	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$2,000	31-Mar-2006	26-Jan-2008	1.8	\$182	n/a	\$182

Notes for DELAYED costs
 The estimated cost for additional oversight and sampling which could have reduced or alleviated the exceedances. Date required is the date the noncompliance started and the final date is the expected date of compliance.

Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance \$2,000
TOTAL \$182

Effluent Violation Table
 James Wayne Robinson
 TPDES Permit No. WQ0012830001
 Docket No. 2007-0817-MWD-E

Permitted Effluent Limits Outfall 001	Monitoring Period End Date				
	03/31/06	05/31/06	10/31/06	11/30/06	12/31/06
TSS Daily Avg. 0.75 lbs/dy (loading)	c	c	2.73	0.86	1.18
TSS Daily Avg. 15 mg/L (conc.)	17.56	c	c	15.82	15.50
TSS Daily Max 60 mg/L (conc.)	68.80	63.60	c	202.00	70.00
NH3-N Daily Avg. 0.15 lbs/dy (loading)	c	c	c	c	0.383
NH3-N Daily Avg. 3 mg/L (conc.)	c	c	c	c	4.20
NH3-N Daily Max 15 mg/L (conc.)	c	c	c	c	24.60
CBOD Daily Avg. 0.5 lbs/dy (loading)	c	c	c	c	2.16
CBOD Daily Avg. 10 mg/L (conc.)	c	c	c	c	24
CBOD Daily Max 35 mg/L (conc.)	c	c	c	c	58

TSS = Total Suspended Solids	NH3-N = Ammonia Nitrogen	CBOD = carbonaceous biochemical oxygen demand
c = compliant	lbs/dy = Pounds per day	mg/L = Milligrams per liter
Min. = Minimum	Max. = Maximum	conc. = concentration

Compliance History

Customer/Respondent/Owner-Operator: CN601235054 ROBINSON, JAMES WAYNE Classification: AVERAGE Rating: 0.48
 Regulated Entity: RN102343373 NORTHWINDS PLANT Classification: AVERAGE Site Rating: 0.48

ID Number(s): WASTEWATER PERMIT WQ0012830001
 WASTEWATER PERMIT TPDES0094056
 WASTEWATER PERMIT TX0094056

Rating Date: 9/1/2006 Repeat Violator: NO

Location at end of Northwinds St approx 1590 ft S of FM 529, Harris Co.

TCEQ Region: REGION 12 - HOUSTON

Date Compliance History Prepar May 21, 2007

Agency Decision Requiring Compliance Enforcement

Compliance Period: May 21, 2002 to May 21, 2007

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Nam Thomas Jecha Phone: 512-239-2576

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership of the site during the compliance period? No
3. If Yes, who is the current owner? N/A
4. If Yes, who was/were the prior owner(s)? N/A
5. When did the change(s) in ownership occur? N/A

Components (Multimedia) for the Site :

A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.

N/A

B. Any criminal convictions of the state of Texas and the federal government.

N/A

C. Chronic excessive emissions events.

N/A

D. The approval dates of investigations. (CCEDS Inv. Track. No.)

1 06/21/2002 (215616)

2 07/25/2002 (215618)

3 09/12/2002 (215621)

4 09/26/2002 (215623)

5 11/07/2002 (215626)

6 12/30/2002 (319583)

7 01/03/2003 (19471)

8 01/27/2003 (215633)

9 02/10/2003 (23959)

10 03/03/2003 (215609)

11 05/01/2003 (215613)

12 05/28/2003 (319575)

13 06/26/2003 (319576)

14 07/23/2003 (319578)

15 09/12/2003 (319579)

16 09/26/2003 (319580)

17 10/30/2003 (319581)

18 11/19/2003 (319582)

19 12/22/2003 (319584)

20 01/26/2004 (319585)

21 02/23/2004 (319572)

22 03/18/2004 (319573)

23 04/16/2004 (319574)

24 06/01/2004 (362430)
25 06/16/2004 (319577)

26 07/28/2004 (362431)
27 08/13/2004 (362432)
28 09/24/2004 (362433)
29 10/20/2004 (362434)
30 11/16/2004 (387723)
31 12/27/2004 (387724)
32 02/24/2005 (387722)
33 02/28/2005 (336523)
34 04/18/2005 (425407)
35 05/25/2005 (425408)
36 06/17/2005 (425409)
37 08/05/2005 (445980)
38 09/19/2005 (445982)
39 09/21/2005 (445981)
40 10/17/2005 (478046)
41 11/18/2005 (478047)
42 01/20/2006 (478048)
43 02/24/2006 (478044)
44 03/17/2006 (478045)
45 04/20/2006 (504417)
46 05/30/2006 (504418)
47 07/20/2006 (526739)
48 09/05/2006 (526740)
49 09/15/2006 (526741)
50 05/18/2007 (558978)

E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date: 12/31/2002 (19471)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Rqmt Prov: OP 12830-001

Description: Failure to perform process control testing.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 319, SubChapter A 319.5(b)

Rqmt Prov: OP 12830-001

Description: Failure to measure flows and perform chlorine residual testing 5 times per week.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 319, SubChapter A 319.7(c)

Description: Failure to provide signed copies of discharge monitoring reports for the months of August - October, 2002.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 319, SubChapter A 319.6
30 TAC Chapter 319, SubChapter A 319.7(a)[G]
30 TAC Chapter 319, SubChapter A 319.7(c)

Description: Failure to use standards or analyze duplicates for chlorine residual analysis.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Rqmt Prov: OP 12830-001

Description: Failure to provide laboratory analysis for annual sludge metals and pcb's.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 317 317.4(a)(8)
30 TAC Chapter 317 317.7(i)

Description: Failure to equip the main water line to the plant with an RPZ backflow prevention device and failure to equip the hose bib with an atmospheric vacuum breaker.

Date: 04/30/2004 (362430)

Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter

Date: 10/31/2004 (387723)

Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter
Date: 03/31/2005 (425407)
Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter
Date: 03/31/2006 (504417)
Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 05/31/2006
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter
Date: 10/31/2006
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter

Date: 11/30/2006
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter

Date: 12/31/2006
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter

Date: 02/28/2007
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING JAMES WAYNE
ROBINSON
RN102343373

§
§
§
§
§

BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

AGREED ORDER
DOCKET NO. 2007-0817-MWD-E

I. JURISDICTION AND STIPULATIONS

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding James Wayne Robinson ("Mr. Robinson") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and Mr. Robinson appear before the Commission and together stipulate that:

1. Mr. Robinson owns and operates a wastewater treatment plant located at the end of Northwinds Street approximately 1,590 feet south of Farm-to-Market Road 529 in Harris County, Texas (the "Facility").
2. Mr. Robinson has discharged industrial waste into or adjacent to any water in the state under TEX. WATER CODE ch. 26.
3. The Commission and Mr. Robinson agree that the Commission has jurisdiction to enter this Agreed Order, and that Mr. Robinson is subject to the Commission's jurisdiction.
4. Mr. Robinson received notice of the violations alleged in Section II ("Allegations") on or about May 23, 2007.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Mr. Robinson of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Four Thousand Four Hundred Ten Dollars (\$4,410) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations").

Mr. Robinson has paid Three Thousand Five Hundred Twenty-Eight Dollars (\$3,528) of the administrative penalty and Eight Hundred Eighty-Two Dollars (\$882) is deferred contingent upon Mr. Robinson's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If Mr. Robinson fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require Mr. Robinson to pay all or part of the deferred penalty.

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and Mr. Robinson have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that Mr. Robinson has not complied with one or more of the terms or conditions in this Agreed Order.
10. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
11. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Facility, Mr. Robinson is alleged to have failed to comply with the permitted effluent limits, in violation of TEX. WATER CODE § 26.121(a), 30 TEX. ADMIN. CODE § 305.125(1), and TPDES Permit No. WQ0012830001, Effluent Limitations and Monitoring Requirements No. 1, as documented during a record review conducted on May 2, 2007 and shown in the table below.

Permitted Effluent Limits Outfall 001	Monitoring Period End Date				
	03/31/06	05/31/06	10/31/06	11/30/06	12/31/06
TSS Daily Avg. 0.75 lbs/dy (loading)	c	c	2.73	0.86	1.18
TSS Daily Avg. 15 mg/L (conc.)	17.56	c	c	15.82	15.50
TSS Daily Max 60 mg/L (conc.)	68.80	63.60	c	202.00	70.00
NH3-N Daily Avg. 0.15 lbs/dy (loading)	c	c	c	c	0.383
NH3-N Daily Avg. 3 mg/L (conc.)	c	c	c	c	4.20
NH3-N Daily Max 15 mg/L (conc.)	c	c	c	c	24.60
CBOD Daily Avg. 0.5 lbs/dy (loading)	c	c	c	c	2.16
CBOD Daily Avg. 10 mg/L (conc.)	c	c	c	c	24
CBOD Daily Max 35 mg/L (conc.)	c	c	c	c	58

TSS = Total Suspended Solids	MGD = million gallons per day	c = compliant
NH3-N = Ammonia Nitrogen	lbs/dy = Pounds per day	mg/L = Milligrams per liter
CBOD = Carbonaceous Biochemical Oxygen Demand	Max. = Maximum	Min. = Minimum

III. DENIALS

Mr. Robinson generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that Mr. Robinson pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and Mr. Robinson's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations, which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: James Wayne Robinson, Docket No. 2007-0817-MWD-E" to:

Financial Administration Division, Revenues Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. It is further ordered that Mr. Robinson shall, within 60 days after the effective date of this Agreed Order, achieve compliance with the permitted effluent limits contained in TPDES Permit No. WQ0012830001 and submit written certification of compliance as described below. The certification shall include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance.

The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team
Enforcement Division, MC 169A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

Manager, Water Section
Houston Regional Office
Texas Commission on Environmental Quality
5425 Polk Street, Suite H
Houston, Texas 77023-1452

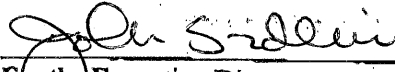
3. The provisions of this Agreed Order shall apply to and be binding upon Mr. Robinson. Mr. Robinson is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
4. If Mr. Robinson fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, Mr. Robinson's failure to comply is not a violation of this Agreed Order. Mr. Robinson shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Mr. Robinson shall notify the Executive Director within seven days after Mr. Robinson becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by Mr. Robinson shall be made in writing to the Executive Director. Extensions are not effective until Mr. Robinson receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. This Agreed Order, issued by the Commission, shall not be admissible against Mr. Robinson in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
7. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to Mr. Robinson, or three days after the date on which the Commission mails notice of the Order to Mr. Robinson, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

James Wayne Robinson
DOCKET NO. 2007-0817-MWD-E
Page 5

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

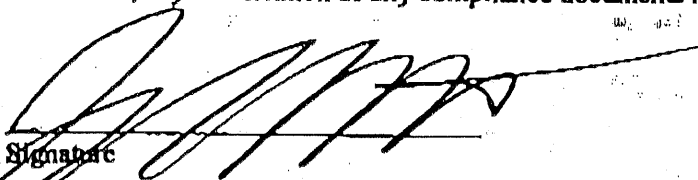
7/13/2007
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity, if any, indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that my failure to comply with the Ordering Provisions, if any, in this order and/or my failure to timely pay the penalty amount, may result in:

- A negative impact on my compliance history;
- Greater scrutiny of any permit applications submitted by me;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions against me;
- Automatic referral to the Attorney General's Office of any future enforcement actions against me; and
- TCEQ seeking other relief as authorized by law.

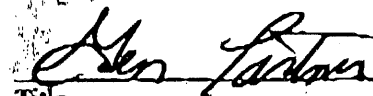
In addition, any falsification of any compliance documents may result in criminal prosecution.



Signature

7/13/07
Date

James Wayne Robinson
Name (Printed or typed)
Authorized Representative of
James Wayne Robinson



Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.

